

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|---|---|--------------------------------|
| BEN ROOD, on behalf of himself and similarly situated employees, |) | Civil Action No. 2:17-CV-01223 |
| |) | |
| Plaintiff |) | |
| v. |) | |
| |) | |
| R&R Express, Inc., |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT’S OMNIBUS MOTION TO DECERTIFY FLSA COLLECTIVE ACTION
AND RULE 23 CLASS, MOTION FOR SUMMARY JUDGMENT IN FAVOR OF
DEFENDANT AND AGAINST PLAINTIFF**

Pursuant to Federal Rule of Civil Procedure 56(a) and Federal Rule of Civil Procedure 23(c)(1)(C), Defendant R&R Express Inc., respectfully moves this Court for entry of an Order decertifying the Fair Labor Standards Act “FLSA” collective and the Rule 23 class action brought by Plaintiff. Additionally, R&R respectfully moves this Court for entry of an Order granting summary judgment in favor of R&R. Specifically, R&R moves for summary judgment on the grounds that Plaintiff has no claims under the FLSA due to the exempt status of the logistics coordinators at issue in this case.

In support of this Motion, R&R files herewith an Omnibus Memorandum in Support of Motion to Decertify FLSA Collective and RuClass, Memorandum of Law in Support of Motion for Summary Judgment in Favor of Defendant and Memorandum of Law in Opposition to Plaintiff’s Motion for Summary Judgment, incorporated herein by reference. For the reasons provided therein, R&R contends that Plaintiff has failed to establish numerosity of the FLSA collective and Rule 23 class. Further, R&R contends that the logistics coordinators at issue in this case are exempt employees pursuant to the administrative exemption of the FLSA and Pennsylvania Minimum Wage Act, or in the alternative, the retail or service exemption of the

FLSA. For these reasons, R&R respectfully request that judgment is entered in its favor and against Plaintiff.

Respectfully submitted,

BURNS WHITE LLC

By: /s/ Samantha D. Farrell
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of October, 2021, a true and correct copy of the foregoing DEFENDANT’S OMNIBUS MOTION TO DECERTIFY FLSA COLLECTIVE ACTION AND RULE 23 CLASS, MOTION FOR SUMMARY JUDGMENT IN FAVOR OF DEFENDANT AND AGAINST PLAINTIFF was served on counsel of record via the Court’s ECF system.

By: /s/ Samantha D. Farrell
Samantha D. Farrell, Esquire